

REMARKS/ARGUMENTS

I. General Remarks and Disposition of the Claims.

Claims 5-20 are pending. Applicants respectfully request reconsideration in light of the remarks contained herein.

II. Remarks Regarding the Rejection of Claims 5-14 Under 35 U.S.C. § 102(b).

The Examiner has rejected claims 5-14 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,011,075 issued to Parris *et al.* (hereinafter “*Parris*”). (Final Office Action, at 2.) Applicants respectfully disagree, and submit that the Examiner has not shown that *Parris* discloses every element as recited in Applicants’ claims 5-14 as required to anticipate the claims under 35 U.S.C. § 102(b). *Manual of Patent Examining Procedure* § 2131 (2004) (hereinafter “MPEP”).

With respect to *Parris*, the Examiner states that:

Parris et al teaches in column 1, line 12 - column 7, line 15 a method of fracturing or treating a subterranean formation comprising the steps of: providing a reduced friction fracturing fluid comprising an aqueous liquid, carbon dioxide, and a polymer comprising acrylamide and an acrylamide copolymer derivative; placing the reduced friction fracturing fluid into a subterranean formation at a pressure sufficient to create or extend at least one fracture therein; and, reducing the friction of the reduced friction fracturing fluid due to the step of placing the reduced friction fracturing fluid into the subterranean formation through the well bore. It is inherent that the friction is reduced due to the step of placing the reduced friction fracturing fluid into the subterranean formation through the well bore.

(Final Office Action, at 2.) However, *Parris* does not disclose each limitation recited in Applicants’ claims 5-14.

In particular, claim 5 is directed to a method of fracturing. *Parris*, however, does not disclose a method of fracturing at all. Rather, *Parris* is directed to a strengthened gel that is used for “plugging of permeable zones in subterranean formations and the plugging of subterranean fractures and leaks.” (*Parris*, col. 1, ll. 7-9.)

Similarly, claim 10 recites the step of “reducing the friction of the reduced friction fluid due to the step of placing the reduced friction fluid into the subterranean formation through the well bore.” *Parris*, however, does not disclose this step. Rather, *Parris* is directed

to a strengthened gel that is used for “plugging of permeable zones in subterranean formations and the plugging of subterranean fractures and leaks.” (*Parris*, col. 1, ll. 7-9.) The strengthened gel composition of *Parris* comprises crosslinkable polymers that are used in conjunction with a crosslinking agent and a gel strengthening particulate material to actually plug channels and fractures in a subterranean formation. Thus, the polymers in *Parris* do not function as friction reducers, but rather function as to form a plug to prevent the flow of fluids.

Accordingly, *Parris* does not anticipate independent claims 5 and 10. Moreover, since “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers,” and since claims 6-9 and 11-14 depend from claims 5 and 10, these dependent claims are allowable for at least the same reasons. *See* 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicant respectfully requests the withdrawal of the § 102(b) rejections as to claims 5-14, and further request the timely issuance of a Notice of Allowance for these claims.

III. Remarks Regarding the Rejection of Claims 15-16, 18, and 20 Under 35 U.S.C. § 103(a).

The Examiner has rejected claims 15-16, 18, and 20 under 35 U.S.C. 103(a) as being unpatentable over *Parris* in view of U.S. Patent No. 6,607,035 issued to Reddy *et al.* (hereinafter “*Reddy*”). (Final Office Action, at 3.) Applicants respectfully traverse, and submit that the Examiner has not shown that this combination teaches or suggests every element as recited in Applicants’ claims 15-16, 18, and 20 as required under 35 U.S.C. § 103(a). MPEP § 2143.

With respect to this combination, the Examiner states that:

Parris et al teaches the features as claimed except for wherein a specific acrylamide copolymer derivative. *Reddy et al* teaches in column 3, lines 51-64 the method wherein a specific acrylamide copolymer derivative. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified *Parris et al*’s invention in view of *Reddy et al*, because they are biodegradable and/or non-toxic.

(Office Action, at 3-4.) Applicant respectfully disagrees.

As discussed in Section II above, *Parris* does not teach or suggest the step of “reducing the friction of the reduced friction fluid due to the step of placing the reduced friction fluid into the subterranean formation through the well bore.” *Reddy* does not supply these missing recitations. Moreover, since “a claim in dependent form shall be construed to

incorporate by reference all the limitations of the claim to which it refers," and since claims 15-16, 18, and 20 depend from claim 10, these dependent claims are allowable for at least the same reasons. *See* 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicants assert that claims 15-16, 18, and 20 are patentable over this combination of references and thus request the withdrawal of these rejections.

SUMMARY

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no additional fees are due in association with the filing of this response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300 for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,



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